

OGC HAS REVIEWED.

ATTENTION:

Finance Division, Operations and Liaison Branch

20 May 1954

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Office of General Counsel

Transportation Charges Advanced for Personal Automobile
of [REDACTED] 25X1A9a

25X1A6a 1. You have requested our advice as to the legality of shipping a privately-owned automobile from Washington D. C. to San Francisco, California in connection with subject-named individual's PCS transfer from headquarters to [REDACTED]. Your request forwarded a copy of the Letter of Authorization executed by the individual dated 1 March 1953.

25X1A9a 2. In setting forth [REDACTED] rights and obligations, the Letter of Authorization indicates that his personal vehicle was to be shipped to and from his place of assignment; and that the necessary expenses would be paid by CIA, either by way of reimbursement to the [REDACTED] if it should underwrite them initially, or in the alternative, by direct reimbursement to the individual. We understand that on the basis of this document the individual was advanced the sum of \$350 to cover the expenses of shipping his vehicle from Washington, D. C to San Francisco, California.

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3. On the basis of the facts submitted, it is our opinion that the advance of funds for the purpose indicated was not authorized and that a refund must be made. This conclusion follows from the well settled principle that the United States is not bound or estopped by an erroneous authorization made by its officers, with or without jurisdiction, and whether made under mistake of law or of fact. In this connection see 32 Comp. Gen 537 and cases cited.

4. The papers are returned.

OGC/RJB:afb

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Distribution:

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